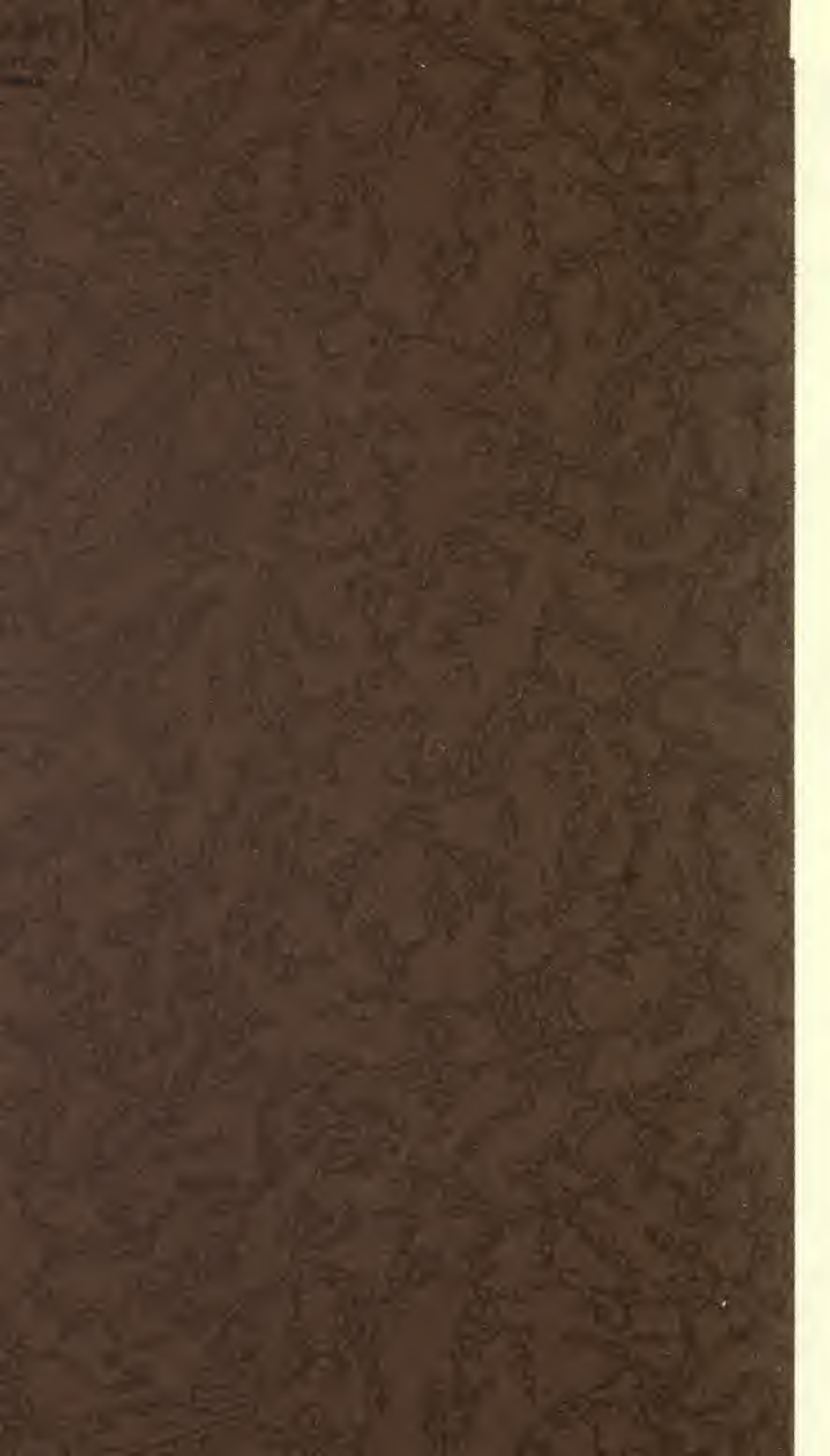


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Webster



# S P E E C H

OF THE

HON. DANIEL WEBSTER

AT THE

NATIONAL REPUBLICAN CONVENTION,

IN WORCESTER, Oct. 12, 1832.



B O S T O N :

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## MR. WEBSTER'S SPEECH.

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MR. PRESIDENT,—I offer no apology for addressing the meeting. Holding, by the favor of the people of this Commonwealth, an important public situation, I deem it no less than a part of my duty, at this interesting moment, to make my own opinions on the state of public affairs known; and, however I may have performed other duties, this, at least, it is my purpose, on the present occasion, fully to discharge. Not intending to comment, at length, on all the subjects which now attract public attention, nor to discuss any thing, in detail, I wish, nevertheless, before an assembly so large and respectable as the present, and through them to the whole people of the State, to lay open, without reserve, my own sentiments, hopes, and fears, respecting the state, and the fate, of our common country.

The Resolutions which have been read from the Chair express the opinion that the public good requires an effectual change, in the administration of the General Government, both of measures, and of men. In this opinion I heartily concur.

Mr. President,—there is no citizen of the State, who, in principle and by habitual sentiment, is less disposed than myself to general opposition to Government, or less desirous of frequent changes in its administration. I entertain this feeling strongly, and at all times, towards the Government of the United States; because I have ever regarded the Federal Constitution as a frame of Government so peculiar, and so delicate in its relations to the State Governments, that it might be in danger of overthrow, as well from an indiscriminate and wanton opposition, as from a weak or a wicked administration. But a case may arise, in which the Government is no longer safe in the hands to which it has been entrusted. It may come to be a question, not so much in what particu-

lar manner, or according to what particular political opinions, the Government shall be administered, as whether the Constitution itself shall be preserved and maintained. Now, sir, in my judgment, just such a case, and just such a question, are at this moment before the American People. Entertaining this sentiment, and thoroughly and entirely convinced of its truth, I wish, as far as my humble power extends, to awaken the People to a more earnest attention to their public concerns. With the People, and the People alone, lies any remedy for the past, and any security for the future. No delegated power is equal to the exigency of the present crisis. No public servants, however able or faithful, have ability to check, or to stop the fearful tendency of things. It is a case for sovereign interposition. The rescue, if it come at all, must come from that power, which no other on earth can resist. I earnestly wish, therefore, unimportant as my own opinions may be, and entitled, as I know they are, to no considerable regard, yet, since they are honest and sincere, and since they respect nothing less than dangers which appear to me to threaten the Government and Constitution of the country, I fervently wish, that I could now make them known, not only to this meeting, and to this State, but to every man in the Union. I take the hazard of the reputation of an alarmist ; I cheerfully submit to the imputation of over-excited apprehension ; I discard all fear of the cry of false prophecy, and I declare, that, in my judgment, not only the great interests of the country, but the Constitution itself is in imminent peril, and that nothing can save, either the one or the other, but that voice, which has authority to say, to the evils of misrule and misgovernment, Hitherto shall ye come, but no farther.

It is true, sir, that it is the natural effect of a good constitution to protect the People. But who shall protect the Constitution ? Who shall guard the guardian ? What arm but the mighty arm of the People itself, is able, in a popular government, to uphold public institutions ? The Constitution itself is but the creature of the public will, and in every crisis which threatens it, it must owe its security to the same power to which it owes its origin.

The appeal, therefore, is to the People. Not to party, nor to partizans ; not to professed politicians ; not to those who have an interest in office and place, greater than their stake in the country ; but to the People, and the whole People ; to those,

who, in regard to political affairs, have no wish but for a good government, and who have power to accomplish their own wishes.

Mr. President,—are the principles and leading measures of the Administration hostile to the great interests of the country?

Are they dangerous to the Constitution, and to the Union of the States?

Is there any prospect of a beneficial change of principles and measures, without a change of men?

Is there reasonable ground to hope for such a change of men?

On these several questions, I desire to state my own convictions, fully, though as briefly as possible.

As government is intended to be a practical institution, if it be wisely formed, the first and most natural test of its administration is the effect produced by it. Let us look, then, to the actual state of our affairs. Is it such as should follow a good administration of a good Constitution?

Sir, we see one State openly threatening to arrest the execution of the revenue laws of the Union, by acts of her own. This proceeding is threatened, not by irresponsible persons, but by those who fill her chief places of power and trust.

In another State, free citizens of the country are imprisoned, and held in prison, in defiance of a judgment of the Supreme Court, pronounced for their deliverance. Immured in a dungeon, marked and patched as subjects of penitentiary punishment, these free citizens pass their days in counting the slow revolving hours of their miserable captivity, and their nights in feverish and delusive dreams of their own homes and their own families; while the Constitution stands, adjudged to be violated, a law of Congress is effectually repealed by the act of a State, and a judgment of deliverance, by the Supreme Court, is set at nought and contemned.

Treaties, importing the most solemn and sacred obligations, are denied to have binding force.

A feeling, that there is great insecurity for property, and the stability of the means of living, extensively prevails.

The whole subject of the Tariff, acted on for the moment, is, at the same moment, declared, not to be at rest, but liable to be again moved, and with greater effect, just so soon as power for that purpose shall be obtained.

The currency of the country, hitherto safe, sound, and uni-

versally satisfactory, is threatened with a violent change, and an embarrassment in pecuniary affairs, equally distressing and unnecessary, hangs over all the trading and active classes of society.

A long-used and long-approved Legislative Instrument for the collection of revenue, well secured against abuse, and always responsible to Congress and to the laws, is denied further existence; and its place is proposed to be supplied by a new branch of the Executive Department, with a money power, controlled and conducted solely by Executive agency.

The power of the VETO is exercised, not as an extraordinary, but as an ordinary power; as a common mode of defeating Acts of Congress not acceptable to the Executive. We hear, one day, that the President needs the advice of no Cabinet; that a few Secretaries, or Clerks, are enough for him. The next, we are informed, that the Supreme Court is but an obstacle to the popular will, and the whole judicial department but an incumbrance to Government. And while, on one side, the judicial power is thus derided and denounced, on the other arises the cry, "cut down the Senate"; and over the whole, at the same time, prevails the loud avowal, shouted with all the lungs of conscious party strength, and party triumph, that the spoils of the enemy belong to the victors. This condition of things, sir, this general and obvious aspect of affairs, is the result of three years' administration, such as the country has experienced.

But not resting on this general view of results, let me inquire what the principles and policy of the Administration are, on the leading interests of the country, subordinate to the Constitution itself. And first, what are its principles, and what its policy, respecting the Tariff? Is this great question settled, or unsettled? And is the present Administration for, or against, the Tariff?

Sir, the question is wholly unsettled, and the principles of the Administration, according to its most recent avowal of those principles, are adverse to the protecting policy, decidedly hostile to the whole system, root and branch; and this on permanent and alleged constitutional grounds.

In the first place, nothing has been done to settle the Tariff question. The Anti-Tariff gentlemen who voted for the late law have, none of them, said they would adhere to it. On the contrary, they supported it, because, as far as it went, it

was reduction, and that was what they wished ; and if they obtained this degree of reduction now, it would be easier to obtain a greater degree hereafter ; and they frankly declared that their intent and purpose was to insist on reduction, and to pursue reduction, unremittingly, till all duties on imports should be brought down to one general and equal *per centage*, and that regulated by the mere wants of the revenue ; or that if different rates of duty should remain on different articles, still, that the whole should be laid for revenue, and revenue only ; and that they would, to the utmost of their power, push this course, till Protection, by duties, as a special object of National policy, should be abandoned, altogether, in the National Councils. It is a delusion, therefore, sir, to imagine that the present Tariff stands, safely, on conceded ground. It covers not an inch, that has not been fought for, and must not be again fought for. It stands, while its friends can protect it, and not an hour longer.

In the next place, in that compend of Executive opinions in the VETO Message, the whole principle of the protecting policy is plainly and pointedly denounced.

Having gone through its argument against the Bank Charter, as it now exists, and as it has existed either under the present or a former law for near forty years, and having added to the well-doubted logic of that argument the still more doubtful aid of a large array of opprobrious epithets, the Message, in unveiled allusion to the protecting policy of the country, holds this language,—

“ Most of the difficulties our Government now encounters, and most of the dangers which impend over our Union, have sprung from an abandonment of the legitimate objects of Government by our National legislation, and the adoption of such principles as are embodied in this act. Many of our rich men have not been content with equal protection and equal benefits, but have besought us to make them richer by act of Congress. By attempting to gratify their desires, we have, in the results of our legislation, arrayed section against section, interest against interest, and man against man, in a fearful commotion which threatens to shake the foundations of our Union. It is time to pause in our career, to review our principles, and, if possible, revive that devoted patriotism and spirit of compromise which distinguished the sages of the revolution, and the fathers of our Union. If we cannot at once, in justice to interests vested under improvident legislation, make our Government what it ought to



be, we can at least take a stand against all new grants of monopolies and exclusive privileges, against any prostitution of our Government to the advancement of the few at the expense of the many, and in favor of compromise and gradual reform in our code of laws and system of political economy."

Here, then, we have the whole creed. Our National Legislature has abandoned the legitimate objects of Government. It has adopted such principles as are embodied in the Bank Charter, and these principles are elsewhere called objectionable, odious, and unconstitutional. And all this has been done, because rich men have besought the Government to render them richer by acts of Congress. It is time to pause in our career. It is time *to review these principles*. And, if we cannot, at once, MAKE OUR GOVERNMENT WHAT IT OUGHT TO BE, we can, at least, take a stand against new grants of power and privilege.

The plain meaning of all this, is, that our protecting laws are founded in an abandonment of the legitimate objects of government; that this is the great source of our difficulties; that it is time to stop in our career, to review the principles of these laws, and, as soon as we can, MAKE OUR GOVERNMENT WHAT IT OUGHT TO BE.

No one can question, Mr. President, that these paragraphs, from the last official publication of the President, show, that *in his opinion, the Tariff, as a system designed for protection, is not only impolitic but unconstitutional also*. They are quite incapable of any other version or interpretation. They defy all explanation, and all glosses.

Sir, however we may differ from the principles or the policy of the Administration, it would, nevertheless, somewhat satisfy our pride of country, if we could ascribe to it the character of consistency. It would be grateful if we could contemplate the President of the United States as an identical idea. But even this secondary pleasure is denied to us. In looking to the published records of Executive opinions, sentiments favorable to protection, and sentiments against protection, either come confusedly before us, at the same moment, or else follow each other in rapid succession, like the shadows of a phantasmagoria.

Having read an extract from the Veto Message, containing the statement of *present opinions*, allow me to read another extract from the Annual Message of 1830. It will be per-

ceived, that in that Message, both the clear constitutionality of the Tariff laws, and their indispensable policy are maintained in the fullest and strongest manner. The argument, on the constitutional point, is stated with more than common ability; and the policy of the laws is affirmed, in terms importing the deepest and most settled conviction. We hear in this Message nothing of improvident legislation; nothing of the abandonment of the legitimate objects of government; nothing of the necessity of pausing in our career, and reviewing our principles; nothing of the necessity of changing our Government, *till it shall be made what it ought to be*:— But let the Message speak for itself.

“The power to impose duties on imports originally belonged to the several States. The right to adjust those duties with a view to the encouragement of domestic branches of industry is so completely incidental to that power, that it is difficult to suppose the existence of the one without the other. The States have delegated their whole authority over imports to the General Government, without limitation or restriction, saving the very inconsiderable reservation relating to their inspection laws. This authority having thus entirely passed from the States, the right to exercise it for the purpose of protection does not exist in them; and, consequently, if it be not possessed by the General Government, it must be extinct. Our political system would thus present the anomaly of a people stripped of the right to foster their own industry, and to counteract the most selfish and destructive policy which might be adopted by foreign nations. This surely cannot be the case: this indispensable power, thus surrendered by the States, must be within the scope of the authority on the subject expressly delegated to Congress.

“In this conclusion, I am confirmed as well by the opinions of Presidents Washington, Jefferson, Madison, and Monroe, who have each repeatedly recommended the exercise of this right under the Constitution, as by the uniform practice of Congress, the continued acquiescence of the States, and the general understanding of the people.”

“I am well aware that this is a subject of so much delicacy, on account of the extended interests it involves, as to require that it should be touched with the utmost caution; and that, while an abandonment of the policy in which it originated—a policy coeval with our Government, pursued through successive administrations, is neither to be expected or desired, the people have a right to demand, and have demanded, that it be so modified as to correct abuses and obviate injustice.”

Mr. President,—no one needs to point out inconsistencies, plain and striking like these. The Message of 1830 is a well written paper ; it proceeded, probably, from the Cabinet proper. Whence the Veto Message of 1832, proceeded, I know not ; perhaps from the Cabinet improper.

But, sir, there is an important record of an earlier date than 1830. If, as the President avers, we have been guilty of improvident legislation, what act of Congress is the most striking instance of that improvidence ?—Certainly, it is the act of 1824. The principle of protection, repeatedly recognized before that time, was, by that act carried to a new and great extent ; so new, and so great, that the act was considered as the foundation of the system. That law it was, which conferred on the distinguished citizen, whose nomination for President this meeting has received with so much enthusiasm, the appellation of “ Author of the American System.” Accordingly, the act of 1824 has been the particular object of attack, in all the warfare waged against the protective policy. If Congress ever abandoned legitimate objects of legislation, in favor of protection, it did so by that law. If any laws, now on the statute book, or which ever were there, show, by their character, as laws of protection, that our Government is not what it ought to be, and that it ought to be altered, and, in the language of the VETO Message, *made* what it ought to be, the law of 1824 is the very law, which more than any, and more than all others, makes good that assertion. And yet, sir, the President of the United States, then a Senator in Congress, voted for that law ! And, though I have not recurred to the journal, my recollection is, that as to some of its provisions, his support was essential to their success. It will be found, I think, that some of its enactments, and those now most loudly complained of, would have failed, but for his own personal support of them, by his own vote.

After all this, it might have been hoped, that there would be, in 1832, some tolerance of opinion toward those, who cannot think, that improvidence, abandonment of all the legitimate objects of legislation, a desire to gratify the rich, who have besought Congress to make them still richer, and the adoption of principles, unequal, oppressive, and odious, are the true characteristics to be ascribed to the system of protection.

But, sir, it is but a small part of my object to show incon-



sistencies in Executive opinions. My main purpose is different, and tends to more practical ends. It is, to call the attention of the meeting, and of the People, to the principles, avowed in the late Message, as being the President's *present opinions*, and proofs of *his present purposes*, and to the consequences, if they shall be maintained by the country. These principles are there expressed, in language which needs no commentary. They go, with a *point blank aim*, against the fundamental stone of the Protecting System; that is to say, against the constitutional power of Congress to establish and maintain that system, in whole or in part. The question, therefore, of the Tariff—the question of every Tariff—the question between maintaining our agricultural and manufacturing interests where they now are, and breaking up the entire system, and erasing every vestige of it from the Statute Book, is a question materially to be affected by the pending election.

The President has exercised his NEGATIVE power, on the law for continuing the Bank Charter. Here, too, he denies both the constitutionality and the policy of an existing law of Congress. It is true, that the law, or a similar one, has been in operation near forty years. Previous Presidents and previous Congresses have, all along, sanctioned and upheld it. The highest Courts, and, indeed, all the Courts, have pronounced it constitutional. A majority of the people, greater than exists on almost any other question, agrees with all the Presidents, all the Congresses, and all the Courts of law. Yet, against all this weight of authority, the President puts forth his own individual opinion, and has negatived the Bill for continuing the law. Which of the members of his administration, or whether any one of them, concurs in his sentiments, we know not. Some of them, we know, have recently advanced precisely the opposite opinions, and in the strongest manner recommended to Congress the continuation of the Bank Charter. Having, himself, urgently and repeatedly called the attention of Congress to the subject, and his Secretary of the Treasury, who, and all the other Secretaries, as the President's friends say, are but so many pens in his hand, having, at the very session, insisted, in his communication to Congress, both on the constitutionality and necessity of the Bank, the President, nevertheless, saw fit to negative the Bill, passed, as it had been, by strong majorities in both Houses, and passed, without doubt or question, in compliance with the wishes of a vast majority of the American People.

The question respecting the constitutional power of Congress to establish a Bank, I shall not here discuss. On that, as well as on the general expediency of renewing the Charter, my sentiments have been elsewhere expressed. They are before the public; and the experience of every day confirms me in their truth. All that has been said of the embarrassment and distress, which will be felt from discontinuing the Bank, falls far short of an adequate representation. What was prophecy only two months ago, is already history.

In this part of the country, indeed, we experience this distress and embarrassment only in a mitigated degree. The loans of the Bank are not so highly important, or at least not so absolutely necessary, to the present operations of our commerce; yet we ourselves have a deep interest in the subject, as it is connected with the general currency of the country, and with the cheapness and facility of exchange.

The country, generally speaking, was well satisfied with the Bank. Why not let it alone? No evil had been felt from it in thirty-six years. Why conjure up a troop of fancied mischiefs, as a pretence to put it down? The Message struggles to excite prejudices, from the circumstance that foreigners are stockholders, and on this ground it raises a loud cry against a monied aristocracy. Can any thing, sir, be conceived, more inconsistent than this? Any thing more remote from sound policy, and good statesmanship? In the United States, the rate of interest is high, compared with the rates abroad. In Holland and England, the actual value of money, is no more than three, or perhaps three and a half, per cent. In our Atlantic States it is as high as five or six, taking the whole length of the sea-board; in the North-western States, it is eight or ten, and in the South-western ten or twelve. If the introduction, then, of foreign capital be discountenanced and discouraged, the American money lender may fix his own rate, any where from five to twelve per cent. per annum. On the other hand, if the introduction of foreign capital be countenanced, and encouraged, its effect is to keep down the rate of interest, and to bring the value of money in the United States, so much the nearer to its value in older and richer countries. Every dollar brought from abroad, and put into the mass of active capital at home, by so much diminishes the rate of interest; and by so much, therefore, benefits all the active and

trading classes of society, at the expense of the American capitalist. Yet the President's invention, for such it deserves to be called,—that which is to secure us against the possibility of being oppressed by a monied aristocracy, is to shut the door and bar it safely against all introduction of foreign capital !

Mr. President,—what is it, that has made England a sort of general banker for the civilized world ? Why is it, that capital, from all quarters of the globe, accumulates at the centre of her empire, and is thence again distributed ? Doubtless, sir, it is because she invites it, and solicits it. She sees the advantage of this ; and no British minister ever yet did a thing so rash, so inconsiderate, so startling, as to exhibit a groundless feeling of dissatisfaction at the introduction or employment of foreign capital.

Sir, of all the classes of society, the larger stockholders of the Bank are among those least likely to suffer from its discontinuance. There are, indeed, on the list of stockholders, many charitable institutions, many widows and orphans, holding small amounts. To these and other proprietors of a like character, the breaking up of the Bank will, no doubt, be seriously inconvenient. But the capitalist, he who has invested money in the Bank, merely for the sake of the security, and the interest, has nothing to fear. The refusal to renew the charter will, it is true, diminish the value of the stock ; but then, the same refusal will create a scarcity for money ; and this will reduce the price of all other stocks ; so that the stockholders in the Bank, receiving on its dissolution their portion respectively of its capital, will have opportunities of new and cheap investment.

The truth is, sir, the great loss, the sore embarrassment, the severe distress, arising from this VETO, will fall on the public, and especially on the more active and industrious portion of the public. It will inevitably create a scarcity of money ; in the Western States it will most materially depress the value of property ; it will greatly enhance, every where, the price of domestic exchange ; it threatens, every where, fluctuations of the currency ; and it drives all our well-settled and safe operations of revenue and finance out of their accustomed channels. And all this is to be suffered, on the pretended ground of a constitutional scruple, which no respect for the opinion of others, no deference to legislative precedent, no decent regard to judicial decision, no hom-

age to public opinion, expressed and maintained for forty years, have power to overcome. An idle apprehension of danger is set up against the experience of almost half a century; loose and flimsy theories are asserted, against facts of general notoriety; and arguments are urged against continuing the charter, so superficial and frivolous, and yet so evidently addressed to those of the community who have never had occasion to be conversant with subjects of this sort, that an intelligent reader, who wishes to avoid imputing obliquity of motive, is obliged to content himself with ascribing to the origin of the Message—whatever and wherever that origin may have been—no very distinguished share of the endowments of intellect.

Mr. President,—as early as December, 1829, the President called the attention of Congress to the subject of the Bank, in the most earnest manner. Look to his Annual Message of that date. You will find that he then felt constrained, by an irresistible sense of duty to the various interests concerned, not to delay, beyond that moment, his urgent invitation to Congress to take up the subject. He brought forward the same topic again, in all his subsequent annual messages; yet, when Congress *did* act upon it, and on the fourth of July, EIGHTEEN HUNDRED AND THIRTY-TWO, *did* send him a bill, he returned it with his objections, and among these objections, he not only complained *that the Executive was not consulted on the propriety of present action*, but affirmed also, in so many words, *that present action was deemed premature by the Executive Department*.

Let me ask, Mr. President, if it be possible that the same President, the same Chief Magistrate, the same mind, could have composed these two Messages? Certainly they much more resemble the production of *two* minds, holding, on this point, precisely opposite opinions. The Message of December, 1829, asserts that the time had *then* come for Congress to consider the Bank subject; the Message of 1832 declares, that, even then, the action of Congress on the same subject was *premature*; and both these Messages were sent to Congress by the President of the United States. Sir, I leave these two Messages to be compared, and considered, by the people.

Mr. President,—I will here take notice of but one other suggestion of the President, relative to the time and manner of



passing the late bill. A decent respect for the Legislature of the country has hitherto been observed by all who have had occasion to hold official intercourse with it, and especially by all other branches of the Government. The purity of the motives of Congress, in regard to any measure, has never been assailed, from any respectable quarter. But in the Veto Message there is one expression, which, as it seems to me, no American can read without some feeling. There is an expression, evidently not casual or accidental, but inserted with design, and composed with care, which does carry a direct imputation of the possibility of the effect of *private interest* and *private influence*, on the deliberations of the two Houses of Congress. I quote the passage, and shall leave it, without a single remark: "Whatever interest or influence, whether public or private, has given birth to this act, it cannot be found either in the wishes or necessities of the Executive Department, by which present action is deemed premature."

Among the great interests of the country, Mr. President, there is one, which appears to me not to have attracted, from the people of this Commonwealth, a degree of attention, altogether equal to its magnitude.

I mean the Public Lands. If we run our eye over the map of the country, and view the regions, almost boundless, which now constitute the public domain, and over which an active population is rapidly spreading itself, and if we recollect the amount of annual revenue derived from this source, we shall hardly fail to be convinced that few branches of national interest are of more extensive and lasting importance. So large a territory, belonging to the public, forms a subject of national concern of a very delicate nature, especially in popular governments. We know, in the history of other countries, with what views designing men have granted the public lands.

Either in the form of gifts and largesses, or in that of reduction of prices, to amounts merely nominal, or as compensation for services, real or imagined, the public domain, in other countries and other times, has not only been diverted from its just use and destination, but has been the occasion also of introducing into the State, and into the public councils, no small portion, both of distraction and corruption. Happily, our own system of administering this great interest has hitherto been both safe and successful. Nothing under the government has been better devised than our land system; and nothing, thus

far, more beneficially conducted. But the time seems to have arrived, in the progress of our growth and prosperity, when it has become necessary to reflect, not on any new mode of sale, for that can hardly be improved, but on some disposition of the proceeds, such as shall be just and equal to the whole country, and shall insure also a constant and vigilant attention to this important subject from the people of all the States. It is not to be denied or disguised, that sentiments have recently sprung up, in some places, of a very extraordinary character, respecting the ownership, the just proprietary interest, in these lands. The lands are well known to have been obtained by the United States, either by grants from individual States, or by treaties with foreign powers. In both cases, and in all cases, the grants and cessions were to the United States, for the interest of the whole Union; and the grants from individual States, contain express limitations and conditions, binding up the whole property to the common use of all the States forever. Yet, of late years, an idea has been suggested, indeed seriously advanced, *that these lands, of right, belong to the States respectively, in which they happen to lie.* This doctrine, sir, which, I perceive, strikes this assembly as being somewhat extravagant, is founded on an argument derived, as is supposed, from the nature of State sovereignty. It has been openly espoused, by candidates for office, in some of the new States, and, indeed, has been announced in the Senate. To the credit of the country, it should be stated, that up to the present moment these notions have not spread widely, and they will be dispersed, undoubtedly, by the power of general opinion, so soon as that opinion shall be awakened and expressed. But there is another tendency, more likely, perhaps, to run to injurious excess; and that is, a constant effort to reduce the price of land to sums almost nominal, on the ground of facilitating settlement. The sound policy of the Government has been, uniformly, to keep the prices of the public lands low; so low, that every actual settler might easily obtain a farm; but yet, not so low, as to tempt individual capitalists to buy up large quantities, to hold for speculation. The object has been to meet, at all times, the whole actual demand, at a cheap rate; and this object has been obtained. And it is obviously of the greatest importance to keep the prices of the public lands from all influences, except the single one of the desire of supplying the whole actual demand, at a cheap rate.

The present minimum price is one dollar and a quarter per acre ; and millions of acres, much of it of an excellent quality, are now in the market at this rate. Yet, every year, there are propositions to reduce the prices ; and propositions to graduate the prices ; that is to say, to provide that all lands, having been offered for sale, for a certain length of time, at the established rate, if not then sold, shall be offered at a less rate ; and again reduced, if not sold, to one still less. I have myself thought, that in some of the oldest districts, some mode might usefully be adopted of disposing of the remainder of the unsold lands, and closing the offices ; but a universal system of graduation, lowering prices at short intervals, and by large degrees, could have no other effect than a general depression of price in regard to the whole mass, and would evidently be great mismanagement of the public property. The meeting, sir, will think it singular enough, that a reduction of prices of the public lands should have been demanded, on the ground *that other impositions for revenue, such as the duty on tea and coffee, have been removed* ; thus considering and treating the sums received for lands sold, as a *tax*, a *burden*, an *imposition*, and a great *drain* on the means and the industry of the new States. A man goes from New England to one of the Western States, buys a hundred acres of the best land in the world for one hundred and twenty-five dollars, pays his money, and receives an indisputable title ; and immediately, some one stands up in Congress to call this operation the laying of a *tax*, the imposition of a *burden*, and the whole of these purchases and payments, taken together, are represented as an intolerable *drain*, on the money and the industry of the new States. I know not, sir, which deserves to pass for the original, and which for the copy ; but this reasoning is not unlike that, which maintains that the trading community of the West will be exhausted and ruined, by the privilege of borrowing money of the Bank of the United States, at six per cent. interest ; this interest, being, as is said in the Veto Message, a burden upon their industry, and a drain of their currency, which no country can bear, without inconvenience and distress.

It was in a forced connexion with the reduction of duties of impost, that the subject of the public lands was referred to the Committee of Manufactures in the Senate, at the late session of Congress. This was a legislative movement, calculated

to throw on Mr. Clay, who was taking a leading part on the subject of the Tariff, and the reduction of duties, a new and delicate responsibility. From this responsibility, however, Mr. Clay did not shrink. He took up the subject, and his report upon it, and his speech delivered afterwards, in defence of the Report, are, in my opinion, among the very ablest of the efforts which have distinguished his long public life. I desire to commend their perusal to every citizen of Massachusetts. They will show him the deep interest of all the States, his own among the rest, in the security and proper management and disposal of the public domain. Founded on the Report of the Committee, Mr. Clay introduced a Bill, providing for the distribution, among all the States, according to number, of the proceeds of the sales of the public lands, for five years; first making a deduction of a considerable per centage in favor of the new States; the sums thus received by the States to be disposed of by themselves, in favor of Education, Internal Improvement, or Colonization, as each State might choose for itself. This Bill passed the Senate. It was vigorously opposed in the House of Representatives, by the main body of the friends of the Administration, and finally lost by a small majority. By the provisions of the Bill, Massachusetts would have received, as her dividend, one hundred and thirty-seven thousand dollars a year.

I am free to confess, sir, that I had hoped to see some unobjectionable way of disposing of this subject, with the observance of justice towards all the States, by the Government of the United States itself, without a distribution, through the intervention of the State Governments. Such way, however, I have not discovered. I therefore voted for the bill of the last session.

Mr. President,—let me remind the meeting of the great extent of this public property.

Only twenty millions of acres have been, as yet, sold, from the commencement of the Government. One hundred and twenty millions, or about that quantity, is now cleared from the Indian title, all surveyed into townships, ranges, and sections, and now in the market for sale. I think, sir, the whole surface of Massachusetts embraces about six millions of acres; so that the United States have a body of land, now surveyed, and in market, equal to twenty States, each of the size of Massachusetts. But this is but a very small portion of the



whole domain; much the greater part being yet unsurveyed, and much, too, subject to the original Indian title. The income to the revenue from the sales of land is estimated at three millions of dollars a year. The meeting will thus see, sir, how important a subject this is, and how highly it becomes the country to guard this vast property against perversion, and bad management.

Mr. President,—among the Bills which failed, at the last session, for want of the President's approval, was one, in which this State had a great pecuniary interest. It was the Bill for the payment of interest to the States, on the funds advanced by them during the war, the principal of which had been paid, or assumed, by the Government of the United States. Some sessions ago a Bill was introduced into the Senate, by my worthy colleague, and passed into a law, for paying a large part of the principal sum, advanced by Massachusetts, for militia expenses, for defence of the country; this has been paid. The residue of the claim is in the proper course of examination, and such parts of it as ought to be allowed will doubtless be paid hereafter, *Vetos* out of the way, be it always understood. In the late Bill it was proposed that *interest* should be paid to the States, on these advances, in cases where it had not been already paid. It passed both Houses. I recollect no opposition to it in the Senate, nor do I remember to have heard of any considerable objection in the House of Representatives. The argument for it lay in its own obvious justice; a justice too apparent, as it seems to me, to be denied by any one. I left Congress, sir, a day or two before its adjournment, and meeting some friends, in this village, on my way home, we exchanged congratulations on this additional act of justice, thus rendered to Massachusetts, as well as other States. But I had hardly reached Framingham, before I learned that our congratulations were premature. The President's signature had been refused, and the Bill was not a law! The only reason which I have ever heard for this refusal, is, that Congress had not been in the practice of allowing interest on claims. This was not true, as a universal rule; but if it were, might not Congress be trusted with the maintenance of its own rules? Might it not make exceptions to them, for good cause? No doubt, in regard to old and long neglected claims, it has been customary not to allow interest; but the Massachusetts claim was not of this character, nor the

claims of other States. None of them had remained unpaid, for want of presentment. The Executive and Legislature of this Commonwealth had never omitted to press her demand for justice, and her Delegates in Congress have endeavored to discharge their duty by supporting that demand. It has been already decided, in repeated instances, as well in regard to States as to individuals, that when money has been actually *borrowed*, for objects for which the General Government ought to provide, interest paid on such *borrowed money*, shall be refunded by the United States. Now, sir, would it not be a distinction without a difference to allow interest in such a case, and yet refuse it in another, in which the State had not borrowed the money, and paid interest for it, but had raised it by taxation, or, as I believe was the case with Massachusetts, by the sale of valuable stocks, *bearing interest*? Is it not apparent, that in her case, as clearly as in that of a *borrowing* State, she has actually *lost* the interest? Can any man maintain that, between these two cases, there is any sound distinction, in law, in equity, or in morals? The refusal to sign this bill has deprived Massachusetts and Maine of a very large sum of money, justly due to them. It is now fifteen or sixteen years since the money was advanced, and it was advanced for the most necessary and praiseworthy public purposes. The interest on the sum already refunded, and on that which may reasonably be expected to be hereafter refunded, is not less than *five hundred thousand dollars*. But for the President's refusal, in this unusual mode, to give his approbation to a bill which had passed Congress almost unanimously, these two States would already have been in the receipt of a very considerable portion of this money; and made sure of the residue in due season.

Mr. President,—I do not desire to raise mere pecuniary interests to an undue importance, in political matters. I admit, there are principles and objects of paramount obligation and importance. I would not oppose the President, merely because he has refused to the State what I thought her entitled to, in a matter of money, provided he had made known his reasons, and they had appeared to be such as might fairly influence an intelligent and honest mind. But where a State has so direct and so heavy an interest, where the justice of the case is so plain, that men agree in it who agree in hardly any thing else, where her claim has passed Congress, without considerable

opposition in either House, a refusal to approve the bill without giving the slightest reason,—the taking advantage of the rising of Congress to give it a silent go-by, is an act that may well awaken the attention of the People in the States concerned. It is an act, calling for close examination. It is an act, which calls loudly for justification by its author. And now, sir, I will close what I have to say on this particular subject by stating, that on the 22d of March, 1832, the President did actually approve and sign a bill, in favor of South-Carolina, by which it was enacted that her claim *for interest upon money actually expended* by her for military stores, during the late war, should be settled and paid; *the money so expended having been drawn by the State from a fund upon which she was receiving interest.* Now this, sir, was precisely the case of Massachusetts.

Mr. President,—I now approach an inquiry of a far more deep and affecting interest. Are the principles and measures of the Administration dangerous to the Constitution, and to the Union of the States? Sir, I believe them to be so; and I shall state the grounds of that belief.

In the first place, any Administration is dangerous to the Constitution, and to the Union of the States, which denies the essential powers of the Constitution, and thus strips it of the capacity to do the good intended by it.

The principles embraced by the Administration, and expressed in the VETO Message, are evidently hostile to the whole system of protection, by duties of impost, *on constitutional grounds.* Here, then, is *one* great power struck at once out of the Constitution; and one great end of its adoption defeated. And while this power is thus struck out of the Constitution, it is clear that it exists no where else; since the Constitution expressly takes it away from all the States.

The Veto Message denies the constitutional power of creating or continuing such an institution as our whole experience has approved, for maintaining a sound, uniform, national currency, and for the safe collection of revenue. Here is *another* power, long used, but now lopped off. And *this* power, too, thus lopped off from the Constitution, is evidently not within the power of any of the individual States. No State can maintain a national currency; no State Institution can render to the revenue the services performed by a National Institution.

The principles of the Administration, are hostile to Internal Improvements. Here is another power, heretofore exercised in many instances, now denied. The Administration denies the power, except with qualifications, which cast an air of ridicule over the whole subject ; being founded on such distinctions as between salt water and fresh water, places above Custom Houses and places below ; and others equally extraordinary.

Now, sir, in all these respects, as well as in others, I think the principles of the Administration are at war with the true principles of the Constitution ; and that by the zeal and industry which it exerts to support its own principles, it does daily weaken the Constitution, and does put in doubt its long continuance. The inroad of to-day opens the way for an easier inroad to-morrow. When any one essential part is rent away, or, what is nearer the truth, when many essential parts are rent away, who is there to tell us *how long any other part is to remain ?*

Sir, our condition is singularly paradoxical. We have an Administration opposed to the Constitution ; we have an Opposition which is the main support of the Government and the laws. We have an Administration which denies, to the very Government which it administers, powers which it has exercised for forty years ; it denies the protecting power, the bank power, and the power of internal improvement. The great and leading measures of the national legislature are all resisted by it. These, strange as it may seem, depend on the *Opposition* for support. We have, in truth, an Opposition without which it would be difficult for the Government to get along at all. I appeal to every member of Congress present (and I am happy to see many here) to say, what would now become of the Government, if all the members of the Opposition were withdrawn from Congress. For myself, I declare my own conviction that its continuance might probably be very short. Take away the Opposition from Congress, and let us see what would probably be done the first session. The *TARIFF* would be entirely *repealed*. Every enactment having protection by duties as its main object would be struck from the statute book. This would be the first thing done. Every work of internal improvement would be stopped. This would follow, as matter of course. The bank would go down, and a *treasury money agency* would take its place. The Judiciary act of



1789 would be repealed, so that the Supreme Court should exercise no power of revision over state decisions. And who would resist the doctrines of NULLIFICATION?—Look, sir, to the votes of Congress for the last three years, and you will see that each of these things would, in all human probability, take place at the next session, if the Opposition were to be withdrawn. The Constitution is threatened, therefore—imminently threatened, by the very fact that those are entrusted with its administration who are hostile to its essential powers.

But, sir, in my opinion, a yet greater danger threatens the Constitution and the Government; and that is from the attempt *to extend the power of the Executive at the expense of all the other branches of the Government, and of the people themselves*. Whatever accustomed power is denied to the Constitution, whatever accustomed power is denied to Congress, or to the Judiciary, *none is denied to the Executive*. Here, there is no retrenchment; here, no apprehension is felt for the liberties of the people; here, it is not thought necessary to erect barriers against corruption.

I begin, sir, with the subject of removals from office for opinion's sake,—as I think, one of the most signal instances of the attempt to extend Executive power. This has been a leading measure, a cardinal point, in the course of the administration. It has proceeded, from the first, on a settled system of proscription for political opinions; and this system it has carried into operation to the full extent of its ability. The President has not only filled all vacancies with his own friends, generally those most distinguished as personal partizans, but he has turned out political opponents, and thus created vacancies, in order that he might fill them with his own friends. I think the number of removals and appointments is said to be *two thousand*. While the Administration and its friends have been attempting to circumscribe, and to decry, the powers belonging to other branches, it has thus seized into its own hands a patronage most pernicious and corrupting, an authority over men's means of living most tyrannical and odious, and a power to punish free men for political opinions altogether intolerable.

You will remember, sir, that the Constitution says not one word about the President's power of removal from office. It is a power, raised entirely by construction. It is a constructive power, introduced, at first, to meet cases of extreme public ne-

cessity ; but it has now become co-extensive with the Executive will, calling for no necessity, requiring no exigency, for its exercise ; but to be exercised at all times, without control, without question, without responsibility. When the question of the President's power of removal was debated in the first Congress, those who argued for it, limited it to *extreme cases*. Cases, they said, might arise, in which it would be *absolutely necessary* to remove an officer, before the Senate could be assembled. An officer might become insane ; he might abscond ; and from these, and other supposable cases, it was said, the public service might materially suffer, if the President could not remove the incumbent. And it was further said, that there was little or no danger of the power's being abused for party or personal objects. No President, it was thought, would ever commit such an outrage on public opinion. Mr. Madison, who thought the power ought to exist, and to be exercised in cases of high necessity, declared, nevertheless, that if a President should exercise the power when not called for, by any public exigency, and merely for personal objects, *he would deserve to be impeached*. By a very small majority, I think in the Senate by the casting vote of the Vice President, Congress decided in favor of the existing power, upon the grounds which I have mentioned ; granting the power, in a case of clear and absolute necessity, and denying its existence every where else.

Mr. President,—we should recollect that this question was discussed, and thus decided, when Washington was in the Executive Chair. Men knew, that, in his hands, the power would not be abused ; nor did they conceive it possible that any of his successors could so far depart from his great and bright example, as, by abuse of the power, and by carrying that abuse to its utmost extent, to change the essential character of the Executive from that of an impartial guardian and executor of the laws, into that of the chief dispenser of party rewards. Three or four instances of removal occurred, in the first twelve years of the Government. At the commencement of Mr. Jefferson's administration, he made several others, not without producing much dissatisfaction ; so much so, that he thought it expedient to give reasons to the people, in a public paper, for even the limited extent to which he had exercised the power. He placed his justification on particular circumstances, and peculiar grounds ; which, whether substantial or

not, showed, at least, that he did not regard the power of removal as an ordinary power, still less as a mere arbitrary one, to be used as he pleased, for whatever ends he pleased, and without responsibility. As far as I remember, sir, after the early part of Mr. Jefferson's administration, hardly an instance occurred for near thirty years. If there were any instances, they were few. But at the commencement of the present Administration the precedent of these previous cases was seized on, and a *system*, a regular *plan of government*, a well-considered scheme for the maintenance of party power, by the patronage of office, and this patronage to be created by general removal, was adopted, and has been carried into full operation. Indeed, before Gen. Jackson's inauguration, the party put the system into practice. In the last session of Mr. Adams's administration, the friends of Gen. Jackson constituted a majority in the Senate; and nominations, made by him to fill vacancies, which had occurred in the ordinary way, were postponed, by this majority, beyond the third of March, *for the purpose, openly avowed, of giving the nominations to Gen. Jackson.* A nomination for a Judge of the Supreme Court, and many others of less magnitude, were thus disposed of.

And what did we witness, sir, when the Administration actually commenced, in the full exercise of its authority? One universal sweep, one undistinguishing blow, levelled against all, who were not of the successful party. No worth, public or private, no service, civil or military, was of power to resist the relentless greediness of proscription. Soldiers of the late war, soldiers of the Revolutionary war, the very contemporaries of the liberties of the country, all lost their situations. No office was too high, and none too low; for *office* was the spoil,—and *all the spoils*, it is said, belong to the *victors!* If a man, holding an office, necessary for his daily support, had presented himself covered with the scars of wounds received in every battle, from Bunker Hill to York Town, these would not have protected him against this reckless rapacity. Nay, sir, if WARREN himself had been among the living, and had possessed any office under Government, high or low, he would not have been suffered to hold it a single hour, unless he could show that he had strictly complied with the party statutes, and had put a well-marked party collar round his own neck. Look, sir, to the case of the late

venerable Major MELVILL. He was a spirit of 1776, one of the very first to venture in the cause of Liberty. He was of the Tea party; one of the very first to expose himself to British power. And his whole life was consonant with this, its beginning. Always ardent in the cause of Liberty, always a zealous friend to his country, always acting with the party which he supposed cherished the genuine Republican Spirit most fervently, always estimable and respectable in private life, he seemed armed against this miserable petty tyranny of party, as far as man could be. But he felt its blow, and he fell. He held an office in the Custom House, and had holden it for a long course of years; and he was deprived of it, as if unworthy to serve the country which he loved, and for whose liberties, in the vigor of his early manhood, he had thrust himself into the very jaws of its enemies. There was no mistake in the matter. His character, his standing, his revolutionary services, were all well known; but they were known to no purpose; they weighed not one feather against party pretensions. It cost no pains to remove him; it cost no compunction to wring his aged heart with this retribution from his country for his services, his zeal, and his fidelity. Sir, you will bear witness, that when his successor was nominated to the Senate, and the Senate was told who it was that had been removed to make way for that nomination, members were struck with horror. They had not conceived the Administration to be capable of such a thing; and yet, they said, what can *we* do? The man is removed;—*we* cannot recall him; we can only act upon the nomination before us! Sir, you and I thought otherwise; and I rejoice that we did think otherwise. We thought it our duty to resist the nomination, to a vacancy thus created. We thought it our duty to oppose this proscription when, and where, and as, we constitutionally could. We besought the Senate to go with us, and to take a stand before the country on this great question. We invoked them to try the deliberate sense of the people; to trust themselves before the tribunal of public opinion; to resist at first, to resist at last, to resist always, the introduction of this unsocial, this mischievous, this dangerous, this belligerent principle, into the practice of the government.

Mr. President,—as far as I know, there is no civilized country on earth, in which, on a change of rulers, there is such an *inquisition for spoil*, as we have witnessed in this free Re-



public. The Inaugural Address of 1829 spoke of a *searching operation* of Government. The most searching operation, sir, of the present Administration has been its search for office and place. Whenever, sir, did any English Minister, whig or tory, take such an inquest? When did he ever go down to low-water mark, to make an ousting of tide-waiters? When did he ever take away the daily bread of weighers, and gaugers, and measurers? Or when did he go into the villages, to disturb the little post-offices, the mail contracts, and any thing else, in the remotest degree connected with Government? Sir, a British Minister, who should do this, and should afterwards show his head in a British House of Commons, would be received by an universal hiss.

I have little to say, of the selections made to fill vacancies, thus created. It is true, however, and it is a natural consequence of the system which has been acted on, that within the last three years, more nominations have been rejected, on the ground of *unfitness*, than in all the preceding forty years of the Government. And these nominations, you know, sir, could not have been rejected, but by votes of the President's own friends. The cases were too strong to be resisted. Even party attachment could not stand them. In some, not a third of the Senate, in others not ten votes, and in others not a single vote, could be obtained; and this, for no particular reason known only to the Senate; but on general grounds of the want of character and qualifications; on grounds, known to every body else, as well as to the Senate. All this, sir, is perfectly natural and consistent. The same party selfishness which drives good men out of office will push bad men in. Political proscription leads necessarily to the filling of offices with incompetent persons, and to a consequent mal-execution of official duties. In my opinion, sir, it will effectually change the character of our Government, this acting upon the avowed principle of claiming office by right of conquest, unless the public shall rebuke and restrain it. It elevates party above country; it forgets the common weal, in the pursuit of personal emolument; it tends to form, it does form, we see that it has formed, political combinations, held together by no common principles or opinions among its members, either upon the powers of the Government, or the true policy of the country; but held together simply as an association, under the charm of a popular head, seeking to maintain possession of

the Government by a *vigorous exercise of its patronage*; and for this purpose agitating, and alarming, and distressing social life by the exercise of a tyrannical party proscription. Sir, if this course of things cannot be checked, good men will grow tired of the exercise of political privileges. They will have nothing to do with popular elections. They will see that such elections are but a mere selfish contest for office; and they will abandon the Government to the scramble of the bold, the daring, and the desperate.

It seems, Mr. President, to be a peculiar and singular characteristic of the present Administration, that it came into power on a cry against abuses, *which did not exist*, and then, as soon as it was in, as if in mockery of the perception and intelligence of the People, *it created those very abuses*, and carried them to a great length. Thus the Chief Magistrate himself, before he came into the chair, in a formal public paper, denounced the practice of appointing members of Congress to office. He said, that if that practice continued, *corruption would become the order of the day*; and as if to fasten, and nail down his own consistency to that point, he declared that it was "*due to himself to practise what he recommended to others.*" Yet, sir, as soon as he was in power, these fastenings gave way, the nails all flew, and the promised *consistency* remains, a striking proof of the manner in which political assurances are sometimes fulfilled. For, sir, he has already appointed more members of Congress to office than any of his predecessors, in the longest period of administration. Before his time, there was no reason to complain of these appointments. They had not been numerous, under any Administration. Under this, they have been numerous, and some of them such as may well justify complaint.

Another striking instance of the exhibition of the same characteristics, may be found in the sentiments of the Inaugural Address, and in the subsequent practice, on the subject of *interfering with the freedom of elections*. The Inaugural Address declares, that it is necessary to reform abuses which have brought the *patronage of the Government into conflict with the freedom of elections*. And what has been the subsequent practice? Look to the newspapers;—look to the published letters of officers of the Government, advising, exhorting, soliciting, friends and partizans to greater exertions, in the cause of the Party;—see all done, every where, which

patronage and power can do, to affect not only elections in the General Government, but also in every State Government—and then say, how well *this* promise of reforming abuses has been kept. At what former period, under what former Administration, did public officers of the United States thus interfere in elections? Certainly, sir, never. In this respect, then, as well as in others, that which was not true, as a charge against previous Administrations, would have been true, if it had assumed the form of a prophecy, respecting the acts of the present.

But there is another attempt to grasp, and to wield, a power over public opinion, of a still more daring character, and far more dangerous effects.

In all popular governments, a FREE PRESS is the most important of all agents and instruments. It not only expresses public opinion, but, to a very great degree, it contributes to form that opinion. It is an engine, for good or for evil, as it may be directed; but an engine, of which nothing can resist the force. The conductors of the press, in popular governments, occupy a place, in the social and political system, of the very highest consequence. They wear the character of public instructors. Their daily labors bear directly on the intelligence, the morals, the taste, and the public spirit of the country. Not only are they journalists, recording political occurrences, but they discuss principles, they comment on measures, they canvass characters; they hold a power over the reputation, the feelings, the happiness of individuals. The public ear is always open to their addresses, the public sympathy easily made responsive to their sentiments. It is, indeed, sir, a distinction of high honor, that theirs is the only profession expressly protected and guarded by constitutional enactments. Their employment soars so high, in its general consequences, it is so intimately connected with the public happiness, that its security is provided for by the fundamental law. While it acts in a manner worthy of this distinction, the press is a fountain of light, and a source of gladdening warmth. It instructs the public mind, and animates the spirit of patriotism. Its loud voice suppresses every thing, which would raise itself against the public liberty; and its blasting rebuke causes incipient despotism to perish in the bud.

But remember, sir, that these are the attributes of a FREE Press, only. And is a press that is purchased or pensioned,

more free than a press that is fettered? Can the People look for truths to partial sources, whether rendered partial through fear, or through favor? Why shall not a manacled press be trusted with the maintenance and defence of popular rights? Because it is supposed to be under the influence of a power, which may prove greater than the love of truth. Such a press may screen abuses in Government, or be silent. It may fear to speak. And may it not fear to speak, too, when its conductors, if they speak in any but one way, may lose their means of livelihood? Is dependence on Government for bread no temptation to screen its abuses? Will the Press always speak the truth, though the truth, if spoken, may be the means of silencing it for the future? Is the truth in no danger, is the watchman under no temptation, when he can neither proclaim the approach of national evils, nor seem to descry them, without the loss of his place?

Mr. President,—an open attempt to secure the aid and friendship of the public press, by bestowing the emoluments of office on its active conductors, seems to me, of every thing we have witnessed, to be the most reprehensible. It degrades both the Government and the press. As far as its natural effect extends, it turns the palladium of liberty into an engine of party. It brings the agency, activity, energy and patronage of Government, all to bear, with united force, on the means of general intelligence, and on the adoption or rejection of political opinions. It so completely perverts the true object of Government, it so entirely revolutionizes our whole system, that the chief business of those in power is directed rather to the propagation of opinions, favorable to themselves, than to the execution of the laws. This propagation of opinions, through the press, becomes the main administrative duty. Some fifty or sixty editors of leading journals have been appointed to office by the present Executive. A stand has been made against this proceeding, in the Senate, with partial success; but by means of appointments, which do not come before the Senate, or other means, the number has been carried to the extent I have mentioned. Certainly, sir, the editors of the public journals are not to be disfranchised. Certainly, they are fair candidates either for popular elections, or a just participation in office. Certainly, they reckon, in their number, some of the first geniuses, the best scholars, and the most honest and well principled men, in the country. But the complaint is against the

*system*, against the *practice*, against the undisguised attempt to secure the favor of the press, by means addressed to its pecuniary interest, and these means, too, drawn from the public treasury, being no other than the appointed compensations for the performance of official duties. Sir, the press itself should resent this. Its own character for purity and independence is at stake. It should resist a connexion, rendering it obnoxious to so many imputations. It should point to its honorable denomination, in our Constitutions of Government, and it should maintain the character there ascribed to it, of a FREE PRESS.

There can, sir, be no objection to the appointment of an Editor to office, if he is the fittest man. There can be no objection to considering the services, which, in that, or any other capacity, he may have rendered his *country*. He may have done much to maintain her rights against foreign aggression, and her character against insult. He may have honored, as well as defended her; and may, therefore, be justly regarded and selected, in the choice of faithful public agents. But the ground of complaint is, *that the aiding, by the press, of the election of an individual, is rewarded, by that same individual, with the gift of monied offices*. Men are turned out of office, and others put in, and receive salaries from the public treasury, on the ground, either openly avowed, or falsely denied, that they had rendered service in the election of the very individual, who makes this removal, and makes this appointment. Every man, sir, must see that this is a vital stab at the purity of the press. It not only assails the independence of the press, by addressing sinister motives, but it furnishes the means of exciting these motives from the public treasury. It extends the Executive power over the press, in a most daring manner. It operates to give a direction to opinion, not favorable to the Government, in the aggregate, not favorable to the Constitution and laws, not favorable to the Legislature, but favorable to the Executive alone. The consequence often is, just what might be looked for, that the portion of the press, thus made fast to the Executive interest, denounces Congress, denounces the Judiciary, complains of the laws, and quarrels with the Constitution. This exercise of the right of appointment, to this end, is an augmentation, and a vast one, of the Executive power, singly and alone. It uses that power, strongly against all other branches of the Government, and it



uses it strongly, too, for any struggle which it may be called on to make with general public opinion. Mr. President, I will quit this topic. There is much in it, in my judgment, affecting, not only the purity and independence of the press, but also the character and honor, the peace and security of the Government. I leave it, in all its bearings, to the consideration of the people.

Mr. President,—among the novelties introduced into the Government, by the present Administration, is the frequent use of the President's negative, on acts of Congress. Under former Presidents, this power has been deemed an extraordinary one, to be exercised only in peculiar and marked cases. It was vested in the President, doubtless, as a guard against hasty or inconsiderate legislation, and against any act, inadvertently passed, which might seem to encroach on the just authority of other branches of the Government. I do not recollect that, by all General Jackson's predecessors, this power was exercised more than four or five times. Not having recurred to the Journals, I cannot, of course, be sure that I am numerically accurate in this particular; but such is my belief. I recollect no instance in the time of Mr. John Adams, Mr. Jefferson, or Mr. John Quincy Adams. The only cases which occur to me are, two in General Washington's administration, two in Mr. Madison's, and one in Mr. Munroe's. There may be some others; but we all know that it is a power which has been very sparingly and reluctantly used, from the beginning of the Government. The cases, sir, to which I have now referred, were cases, in which the President returned the Bill *with objections*. The *silent Veto* is, I believe, the exclusive adoption of the present Administration. I think, indeed, that some years ago, a bill, by inadvertence or accident, failed to receive the President's signature, and so did not become a law. But I am not aware of any instance, before the present Administration, in which the President has, by design, omitted to sign a bill, and yet has not returned it to Congress. But since the present Administration came into power, the VETO, in both kinds, has been repeatedly applied. In the case of the Maysville Road, the Montgomery Road, and the Bank, we have had the VETO, *with* reasons. In an internal improvement bill of a former session, in a similar bill at the late session, and in the State interest bill, we have had the silent VETO, or refusal *without* reasons.

Now, sir, it is to be considered, that the President has the

power of recommending measures to Congress. Through his friends, he may and does oppose, also, any legislative movement, which he does not approve. If, in addition to this, he may exercise a silent Veto, at his pleasure, on all the bills presented to him during the last ten days of the session ; if he may refuse assent to them all, without being called upon to assign any reasons whatever, it will certainly be a great practical augmentation of his power. Any one who looks at a volume of the Statutes, will see that a great portion of all the laws are actually passed within the last ten days of each session. If the President is at liberty to negative any, or all, of these laws, at pleasure, or rather, to refuse to render the bills laws, by approving them, and still may neglect to return them to Congress, for renewed action, he will hold a very important control over the legislation of this country. The day of adjournment is usually fixed some weeks in advance. This being fixed, a little activity and perseverance may easily, in most cases, and perhaps in all, where no alarm has been excited, postpone important pending measures to a period within ten days of the close of the session : and this operation leaves all such measures at the pleasure of the President to sign the bills or not, without being obliged to state his reasons publicly.

A silent VETO, on the Bank Bill, would have been the inevitable fate of that Bill, if its friends had not refused to fix on any term for adjournment before the President should have had the Bill so long as to be required, by constitutional provisions, to sign it, or to send it back with his reasons for not signing it. The two Houses did not agree, and would not agree, to fix a day for adjournment, until the Bill was sent to the President, and then care was taken to fix on such a day as should allow him the whole constitutional period. This seasonable presentment rescued the Bill from the power of the silent negative.

This practical innovation on the mode of administering the Government, so much at variance with its general principles, and so capable of defeating the most useful acts, deserves public consideration. Its tendency is, to disturb the harmony, which ought always to exist between Congress and the Executive, and to turn that, which the Constitution intended only as an extraordinary remedy, for extraordinary cases, into a common means of making Executive discretion paramount to the discretion of Congress, in the enactment of laws.

Mr. President,—the Executive has not only used these unaccustomed means, to prevent the passage of laws, but it has also refused to enforce the execution of laws actually passed. An eminent instance of this, is found in the course adopted relative to the Indian Intercourse Law of 1802. Upon being applied to, in behalf of the MISSIONARIES, to execute that law, for their relief and protection, the President replied, that *the State of Georgia having extended her laws over the Indian territory, the laws of Congress had thereby been superseded*. This is the substance of his answer, as communicated through the Secretary of War. He holds, then, that the law of the State is *paramount to the law of Congress*. The Supreme Court has adjudged this act of Georgia to be void, as being repugnant to a constitutional law of the United States. But the President pays no more regard to this decision, than to the act of Congress itself. The MISSIONARIES remain in prison, held there by a condemnation, under a law of a State, which the Supreme Judicial Tribunal has pronounced to be null and void. The Supreme Court have decided that the act of Congress is constitutional, that it is a binding statute, that it has the same force as other laws, and is as much entitled to be obeyed and executed as other laws. The President, on the contrary, declares that the law of Congress has been superseded, by the law of the State, and therefore he will not carry its provisions into effect. Now we know, sir, that the Constitution of the United States declares, that *that Constitution, and all acts of Congress passed in pursuance of it, shall be the supreme law of the land, any thing in any State law to the contrary notwithstanding*. This would seem to be a plain case, then, in which the law should be executed. It has been solemnly decided to be in actual force, by the highest judicial authority ; its execution is demanded for the relief of free citizens, now suffering the pains of unjust and unlawful imprisonment ; yet the President *refuses to execute it*.

In the case of the Chicago Road, some sessions ago, the President approved the Bill, but accompanied his approval by a Message, saying *how far he deemed it a proper law, and how far, therefore, it ought to be carried into execution*.

In the case of the Harbor Bill of the late session, being applied to, by a member of Congress for directions for carrying parts of the law into effect, he declined giving them, and



*made a distinction between such parts of the law as he should cause to be executed, and such as he should not ;* and his right to make this distinction has been openly maintained, by those who habitually defend his measures. Indeed, sir, these, and other instances of liberties taken with plain statute laws, flow, naturally, from the principles expressly avowed by the President, under his own hand. In that important document, sir, upon which it seems to behis fate to stand, or to fall, before the American People, the Veto Message, he holds the following language. “*Each public officer, who takes an oath to support the Constitution, swears that he will support it as he understands it, and not as it is understood by others.*” Mr. President, the general adoption of the sentiments, expressed in this sentence, would dissolve our Government. It would raise every man’s private opinions into a standard for his own conduct ; and there certainly is, there can be, no government, where every man is to judge, for himself, of his own rights, and his own obligations. Where every one is his own arbiter, force, and not law, is the governing power. He who may judge for himself, and decide for himself, must execute his own decisions ; and this is the law of force. I confess, sir, it strikes me with astonishment, that so wild, so disorganizing a sentiment should be uttered by a President of the United States. I should think it must have escaped from its author, through want of reflection, or from the habit of little reflection, on such subjects, if I could suppose it possible, that on a question exciting so much public attention, and of so much national importance, any such extraordinary doctrine could find its way through inadvertence, into a formal and solemn public act. Standing as it does, it affirms a proposition which would effectually repeal all Constitutional and all legal obligations. The Constitution declares, that every public officer, in the State Government, as well as in the General Government, shall take an oath *to support the Constitution of the United States*. This is all. Would it not have cast an air of ridicule on the whole provision, if the Constitution had gone on to add the words, “*as he understands it ?*” What could come nearer to a solemn farce, than to bind a man, by oath, and still leave him to be his own interpreter of his own obligation ? Sir, those who are to execute the laws have no more a license to construe them, for themselves, than those whose only duty is to obey

them. Public officers are bound to support the Constitution ; private citizens are bound to obey it ; and there is no more indulgence, granted to the public officer, to support the Constitution only *as he understands it*, than to a private citizen to obey it *only as he understands it* ; and what is true of the Constitution, in this respect, is equally true of any law. Laws are to be executed, and to be obeyed, not as individuals may interpret them, but according to public, authoritative interpretation and adjudication. The sentiment of the message would abrogate the obligation of the whole criminal code. If every man is to judge of the Constitution and the laws for himself, if he is to obey, and support them, *only as he may say he understands them*, a revolution, I think, would take place in the administration of justice ; and discussions about the law of *treason, murder and arson*, should be addressed, not to the judicial bench, but to those who might stand charged with such offences. The object of discussion should be, if we run out this notion to its natural extent, to convince the culprit himself how he ought to understand the law.

Mr. President,—how is it possible, that a sentiment so wild, and so dangerous, so encouraging to all who feel a desire to oppose the laws, and to impair the Constitution, should have been uttered by the President of the United States, at this eventful and critical moment ? Are we not threatened with dissolution of the Union ? Are we not told that the laws of the Government shall be openly and directly resisted ? Is not the whole Country looking, with the utmost anxiety, to what may be the result of these threatened courses ? And, at this very moment, so full of peril to the State, the Chief Magistrate puts forth opinions and sentiments as truly subversive of all Government, as absolutely in conflict with the authority of the Constitution, as the wildest theories of Nullification. Mr. President, I have very little regard for the law, or the logic, of Nullification. But there is not an individual in its ranks, capable of putting two ideas together, who, if you will grant him the principles of the Veto Message, cannot defend all that Nullification has ever threatened. To make this assertion good, sir, let us see how the case stands. The Legislature of South-Carolina, it is said, will nullify the late Revenue, or Tariff law, because, *they say*, it is not warranted by the Constitution of the United States, *as they understand the Constitution*. *They*, as well as the President of the United

States, have sworn to support the Constitution. Both he and they have taken the same oath, in the same words.

Now, sir, since he claims the right to interpret the Constitution as he pleases, how can he deny the same right to *them*? Is his oath less stringent than theirs? Has he a prerogative of dispensation, which they do not possess? How can he answer them, when they tell him, that the Revenue laws are unconstitutional, *as they understand the Constitution*, and that, therefore, they will nullify them? Will he reply to them, according to the doctrines of his annual Message in 1830, that *precedent* has settled the question, if it was ever doubtful? They will answer him in his own words, in the Veto Message, that in such a case *precedent* is not binding. Will he say to them, that the Revenue law is a law of Congress, which must be executed, until it shall be declared void? They will answer him, that, in other cases, he has himself refused to execute laws of Congress which had not been declared void, but which had been, on the contrary, declared valid. Will he urge the force of judicial decision? They will answer, that he himself does not admit the binding obligation of such decisions. Sir, the President of the United States is of opinion, that an individual, called on to execute a law, may, himself, judge of its constitutional validity. Has Nullification any thing more revolutionary than that? The President is of opinion that judicial interpretations of the Constitution and the laws, do not bind the consciences, and ought not to bind the conduct, of men. Has Nullification any thing more disorganizing than that? The President is of opinion, that every officer is bound to support the Constitution only according to what ought to be, in his private opinion, its construction. Has Nullification, in its widest flight, ever reached to an extravagance like that? No, sir, never. The doctrine of Nullification, in my judgment a most false, dangerous, and revolutionary doctrine, is this; that *the State*, or *a State*, may declare the extent of the obligations which its citizens are under to the United States; in other words, that a State, by State laws, and State judicatures, may conclusively construe the Constitution, for its own citizens. But that every individual may construe it for himself, is a refinement on the theory of resistance to constitutional power, a sublimation of the right of being disloyal to the Union, a free charter for the elevation of private opinion above the authority of the fundamental law

of the State, such as was never presented to the public view, and the public astonishment, even by Nullification itself.— Its first appearance is in the VETO Message. Melancholy, lamentable, indeed, sir, is our condition, when at a moment of serious danger and wide-spread alarm, such sentiments are found to proceed from the Chief Magistrate of the Government. Sir, I cannot feel that the Constitution is safe in such hands. I cannot feel that the present administration is its fit and proper guardian.

But let me ask, sir, what evidence there is, that the President is himself opposed to the doctrines of Nullification? I do not say to the political party, which now pushes these doctrines, but to the doctrines themselves. Has he any where rebuked them? Has he any where discouraged them? Has his influence been exerted to inspire respect for the Constitution, and to produce obedience to the laws? Has he followed the bright example of his predecessors, has he held fast by the institutions of the Country, has he summoned the good and the wise around him, has he admonished the Country that the Union is in danger, and called on all the patriotic to come out in its support? Alas! Sir, we have seen nothing, nothing, of all this.

Mr. President,—I shall not discuss the doctrine of Nullification. I am sure it can have no friends here. Gloss it and disguise it as we may, it is a pretence incompatible with the authority of the Constitution. If direct separation be not its only mode of operation, separation is, nevertheless, its direct consequence. That a State may nullify a law of the Union, and still remain *in* the Union; that she may have Senators and Representatives in the Government, and yet be at liberty to disobey and resist that Government; that she may partake in the common councils, and yet not be bound by their results; that she may control a law of Congress, so that it shall be one thing, with her, while it is another thing with the rest of the States; all these propositions seem to be so absolutely at war with common sense and reason, that I do not understand how any intelligent person can yield the slightest assent to them. Nullification, it is in vain to attempt to conceal it, is dissolution; it is dismemberment; it is the breaking up of the Union. If it shall practically succeed, in any one State, from that moment there are twenty-four States in the Union no longer. Now, sir, I think it exceedingly proba-



ble that the President may come to an open rupture with that portion of his original party, which now constitutes what is called the Nullification party. I think it likely he will oppose the proceedings of that party, if they shall adopt measures, coming directly in conflict with the laws of the United States. But how will he oppose? *What will be his course of remedy?* Sir, I wish to call the attention of the meeting, and of the people, earnestly to this question, *how will the President attempt to put down Nullification, if he shall attempt it at all.*

Sir, for one, I protest in advance against such remedies as I have heard hinted. The administration itself keeps a profound silence, but its friends have spoken for it. *We are told, sir, that the President will immediately employ the military force, and at once blockade Charleston!* A military remedy, a remedy by direct belligerent operation, has been thus suggested, and nothing else has been suggested, as the intended means of preserving the Union. Sir, there is no little reason to think, that this suggestion is true. We cannot be altogether unmindful of the past; and therefore we cannot be altogether unapprehensive for the future. For one, sir, I raise my voice beforehand, against the unauthorized employment of military power, and against superseding the authority of the laws, by an armed force, under pretence of putting down Nullification. The President has no authority to blockade Charleston; the President has no authority to employ military force, till he shall be duly required so to do, by law, and by the civil authorities. His duty is, to cause the laws to be executed. His duty is to support the civil authority. His duty is, if the laws be resisted, to employ the military force of the country, if necessary, for their support and execution; but to do all this in compliance only with law, and with decisions of the tribunals. If, by any ingenious devices, those who resist the laws escape from the reach of judicial authority, as it is now provided to be exercised, it is entirely competent to Congress to make such new provisions as the exigency of the case may demand. These provisions undoubtedly would be made. With a constitutional and efficient head of the Government, with an Administration really and truly in favor of the Constitution, the country can grapple with Nullification. By the force of reason, by the progress of enlightened opinion, by the natural, genuine patriotism of the



country, and by the steady and well sustained operations of law, the progress of disorganization may be successfully checked, and the Union maintained. Let it be remembered that where Nullification is most powerful, it is not unopposed. Let it be remembered that they who would break up the Union by force, have to march toward that object through thick ranks of as brave and good men as the country can show ; men, strong in character, strong in intelligence, strong in the purity of their own motives, and ready, always ready, to sacrifice their fortunes and their lives to the preservation of the Constitutional Union of the States. If we can relieve the country from an administration, which denies to the Constitution those powers which are the breath of its life, if we can place the Government in the hands of its friends, if we can secure it against the dangers of irregular and unlawful military force, if it can be under the lead of an administration, whose moderation, firmness, and wisdom shall inspire confidence and command respect, we may yet surmount the dangers, numerous and formidable as they are, which surround us.

And, sir, I see little prospect of overcoming these dangers, without a change of men. After all that has passed, the re-election of the present Executive will give the national sanction to sentiments, and to measures, which will effectually change the government ; which, in short, must destroy the government. If the President be re-elected, with concurrent and co-operating majorities in both Houses of Congress, I do not see, that in four years more, all the power, which is suffered to remain in the Government, will not be holden by the Executive hand. Nullification will proceed, or will be put down by a power as unconstitutional as itself. The revenues will be managed by a Treasury Bank. The use of the VETO will be considered as sanctioned by the public voice. The Senate, if not "cut down," will be bound down ; and the President, commanding the Army and the Navy, and holding all places of trust to be party property, what will then be left, sir, for Constitutional reliance ?

Sir, we have been accustomed to venerate the Judiciary, and to repose hopes of safety on that branch of the Government. But let us not deceive ourselves. The Judicial power cannot stand, for a long time, against the Executive power. The Judges, it is true, hold their places by an independent tenure ; but they are mortal. That, which is the common

lot of humanity, must make it necessary to renew the benches of justice. And how will they be filled? Doubtless, sir, they will be filled by incumbents, agreeing with the President, in his constitutional opinions. If the Court is felt as an obstacle, doubtless the first opportunity, and every opportunity, will be embraced, to give it less and less the character of an obstacle. Sir, without pursuing these suggestions, I only say that the country must prepare itself for any change in the Judicial Department, such as it shall deliberately sanction, in other departments.

But, sir, what is the prospect of change? Is there any hope, that the national sentiment will recover its accustomed tone, and restore to the Government a just and efficient administration?

Sir, if there be something of doubt on this point, there is also something, perhaps much, of hope. The popularity of the present Chief Magistrate, springing from causes not connected with his administration of the Government, has been great. Public gratitude for military service has remained fast to him, in defiance of many things, in his civil administration, calculated to weaken its hold. At length, there are indications, not to be denied, of new sentiments, and new impressions. At length, a conviction of danger to important interests, and to the security of the Government, has made its lodgement in the public mind. At length, public sentiment begins to have its free course, and to produce its just effects. I fully believe, sir, that a great majority of the nation desire a change in the Administration; and that it will be difficult for party organization, or party denunciation to suppress the effective utterance of that general wish. There are unhappy differences, it is true, about the fit person to be successor to the present incumbent, in the Chief Magistracy; and it is possible, that this disunion, may, in the end, defeat the will of the majority. But so far as we agree together, let us act together. Wherever our sentiments concur, let our hands co-operate. If we cannot, at present, agree, who should be President, we are at least agreed who ought not to be. I fully believe, sir, that gratifying intelligence is already on the wing. While we are yet deliberating, in Massachusetts, Pennsylvania is voting. This week, she elects her members to the next Congress. I doubt not, the result of that election will show an important change in public sentiment, in that State; nor

can I doubt that the great States adjoining her, holding similar constitutional principles, and having similar interests, will feel the impulse of the same causes which affect her. The people of the United States, by a vast and countless majority, are attached to the Constitution. If they shall be convinced that it is in danger, they will come to its rescue, and will save it. It cannot be destroyed, even now, if **THEY** will undertake its guardianship and protection.

But suppose, sir, there was less hope than there is, would that consideration weaken the force of our obligations? Are we at a post, which we are at liberty to desert, when it becomes difficult to hold it? May we fly at the approach of danger? Does our fidelity to the Constitution require no more of us than to enjoy its blessings, to bask in the prosperity which it has shed around us, and our fathers, and are we at liberty to abandon it, in the hour of its peril, or to make for it but a faint and heartless struggle, for the want of encouragement, and the want of hope? Sir, if no State come to our succor, if every where else the contest should be given up, here let it be protracted, to the last moment. Here, where the first blood of the Revolution was shed, let the last effort for that which is the greatest blessing obtained by the Revolution, a free and united Government, be made. Sir, in our endeavours to maintain our existing forms of Government, we are acting not for ourselves alone, but for the great cause of Constitutional liberty all over the globe. We are trustees, holding a sacred treasure, in which all the lovers of freedom have a stake. Not only in Revolutionized France, where there are no longer *subjects*, where the monarch can no longer say, *he is the State*, not only in reformed England, where our principles, our institutions, our practice of free Government are now daily quoted and commended; but in the depths of Germany, also, and among the desolated fields, and the still smoking ashes of Poland, prayers are uttered for the preservation of our Union and happiness. We are surrounded, sir, by a cloud of witnesses. The gaze of the sons of liberty, every where, is upon us, anxiously, intently, upon us. They may see us fall in the struggle for our Constitution and Government, but Heaven forbid that they should see us recreant.

At least, sir, let the Star of Massachusetts be the last which shall be seen to fall from heaven, and to plunge into the utter darkness of disunion. Let her shrink back, let her hold others

back, if she can, at any rate, let her keep herself back, from this gulf, full, at once, of fire, and of blackness; yes, sir, as far as human foresight can scan, or human imagination fathom, full of the fire, and the blood, of civil war, and of the thick darkness of general political disgrace, ignominy, and ruin. Though the worst may happen that can happen, and though she may not be able to prevent the catastrophe, yet, let her maintain her own integrity, her own high honor, her own unwavering fidelity, so that with respect and decency, though with a broken and a bleeding heart, she may pay the last tribute to a glorious, departed, free Constitution.



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